

DAMIEN DENNIS,	)	3:10-cv-00591-ECR-WGC
	)	
Plaintiff,	)	
	)	
vs.	)	<b><u>Order</u></b>
	)	
TOM STUBBS, et al.,	)	
	)	
Defendants.	)	
	)	
	)	

In the second Report and Recommendation (#41), the Magistrate Judge recommends that Defendants' Motion to Dismiss (#24) should be denied because the evidence demonstrates that Plaintiff complied with the grievance procedures and thereby exhausted his

1 administrative remedies. The Magistrate Judge found that the Nevada  
2 Department of Corrections Administrative Regulation 740 ("AR 740")  
3 does not specifically require inclusion of the informal level  
4 grievance to the first level grievance. Defendants filed an  
5 objection(#42) to the Report and Recommendation (#41), arguing that  
6 while AR 740 does not specify that an inmate must attach his  
7 informal level grievance to the first level grievance, the form  
8 provided for a first level grievance includes language stating that  
9 the inmate has attached the original copy of his grievance and all  
10 supporting documentation. We agree with the Magistrate Judge that  
11 Plaintiff's case should not be dismissed for failure to attach the  
12 informal level grievance when AR 740 does not expressly require that  
13 information.

14 The Report and Recommendation (#41) also recommends that  
15 Defendants' Motion to Strike (#29) be denied. While Plaintiff filed  
16 a response (#28) to Defendants' reply brief (#27) in support of  
17 their Motion to Dismiss (#24), Plaintiff did so because Defendants  
18 filed additional documents and a declaration related to Defendants'  
19 Motion to Dismiss (#24) in their reply brief (#27) which had not  
20 been filed with Defendants' moving papers (#24).

21 The Report and Recommendation (#41) is well-taken, and is  
22 therefore **APPROVED AND ADOPTED**. Defendants' Motion to Dismiss (#24)  
23 and Motion to Strike (#29) are **DENIED**.

24  
25 DATED: January 3, 2012.

26  
27   
28 UNITED STATES DISTRICT JUDGE